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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,892	04/13/2000	Thomas I. Insley	52942USA6A	7476

7590

01/03/2003

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EXAMINER

MARKHAM, WESLEY D

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 01/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/548,892

Applicant(s)

INSLEY ET AL.

Examiner

Wesley D Markham

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--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached Office Action.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 26-30.

Claim(s) objected to: 5,6,8,18-21 and 31.

Claim(s) rejected: 1-4,7,9-17,22,25,32 and 33.

Claim(s) withdrawn from consideration: 23 and 24.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

WDM

DETAILED ACTION / ADVISORY ACTION

Response to Amendment

1. Acknowledgement is made of applicant's proposed amendment D, filed as paper #19 on 12/16/2002, in which the applicant proposed to amend Claims 1, 18, 25, 31, and 33, cancel Claim 2, and add Claims 34 and 35. However, this amendment has not been entered for the following reasons. The applicant proposed to amend independent Claims 1 and 33 to require that the dielectric article be disposed in the "controlled environment" and that the electret exhibit a persistent electric charge. Entry of these proposed amendments would alter the scope of the claims, thereby requiring further search and/or consideration on the part of the examiner. In addition, newly proposed independent Claim 35 would also require further searching and consideration. Further, applicant's proposed amendment D presents additional claims (2) without canceling the corresponding number of finally rejected claims. For the aforementioned reasons, proposed amendment D has not been entered. However, the examiner wishes to note that the proposed amendment to Claim 31 appears to overcome the objection set forth in paragraph 2 of the previous Office Action (i.e., the final Office Action, paper #17, mailed on 10/16/2002), and the proposed amendment to Claim 25 appears to overcome the 35 U.S.C. 112, second paragraph, rejection set forth in paragraph 5 of the previous Office Action.

Response to Arguments

2. Applicant's arguments filed on 12/16/2002 have been fully considered but they are not persuasive.
3. First, a number of the applicant's arguments are drawn to the claims as proposed in amendment D. Since amendment D has not been entered for the reasons set forth above in paragraph 1, these arguments are moot.
4. Second, the applicant argues that neither Popov et al. nor Angadjivand et al. suggests condensing vapor from the atmosphere of a controlled environment onto a dielectric article. Specifically, the applicant argues that neither Popov et al. nor Angadjivand et al. teaches a "controlled environment". In response, the examiner disagrees. As defined by the applicant on page 2 of the specification as filed, a "controlled environment" is a surrounding whose volume, pressure, temperature, or a combination thereof, can be regulated and/or altered in a predetermined manner. Importantly, the simple recitation of a "controlled environment" in the claims does not require actually regulating and/or altering the volume, pressure, and/or temperature of the surroundings. Such a recitation simply requires that such properties are capable of being regulated and/or altered. This is the case in both Popov et al. and Angadjivand et al. For example, consider the area immediately surrounding the substrates (i.e., the fibers / webs) of Popov et al. and Angadjivand et al. to be the "surroundings". In both Popov et al. and the combination of Angadjivand et al. and Pike et al., vapor is capable of being introduced into area of the substrates (i.e., the "surroundings") in order to contact the substrates. By doing so, at least the localized

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pressure immediately around the substrates (i.e., where the condensation occurs) is "regulated" and/or "altered" by the passing vapor that wets the substrates. As another example, consider placing a heater in the vicinity of the substrates of Popov et al. and Angadjivand et al. The heater would regulate and/or alter the temperature of the surroundings. Therefore, the area around the substrates is a "controlled environment". The fact that a heater may not be recited in Popov et al. or Angadjivand et al. is irrelevant because no actual regulation and/or alteration of the "controlled environment" is required by the claims.

5. The examiner does wish to note that, pending further searching and consideration, the proposed amendments to the claims (e.g., the electret exhibiting a persistent electric charge and further definition of the relationship between the dielectric article and the "controlled environment") would appear to overcome the art presently of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley D Markham whose telephone number is (703) 308-7557. The examiner can normally be reached on Monday - Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Wesley D Markham
Examiner
Art Unit 1762



WDM

December 30, 2002



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